

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-4 and 12, drawn to a process for producing a cellulose acylate film.

Group II, claim(s) 5-7 and 16, drawn to a process for producing a cellulose acylate film and an optical compensation film produced therefrom.

Group III, claim(s) 8-11, drawn to a process for producing a cellulose acylate film.

Group IV, claim(s) 13-15 and 17-19, drawn to a cellulose acylate film product and products comprising a cellulose acylate film.

2. The inventions listed as Groups I, II, III and IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Groups I, II and III are all drawn to methods of producing a cellulose acylate film but the methods recited in these claims do not share a special technical feature. Group I recites limitations directed towards the composition of the cellulose acylate film, Group II recites limitations directed towards the solubility of a functional additive in a cellulose acylate film and Group III recites limitations directed towards the heat of solution of a plasticizer and cellulose acylate. There is no unifying inventive concept between these three

Art Unit: 4174

groups. Cellulose acylate films are widely known in the art (see for example Starzewski U.S. Patent No. 5,051,286 directed towards a cellulose acylate polarizing film) and so there is no unity of invention between Groups I and IV because the, broad concept that relates the two is well known in the art.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

Art Unit: 4174

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Jacobson whose telephone number is (571) 272-8905. The examiner can normally be reached on Monday-Friday 7:30 AM-5 PM EST (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Lawrence Tarazano can be reached on (571) 272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 4174

Michele L. Jacobson
Examiner /M. J./
Art Unit 4174